

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JOSHUA G. FRANKLIN SR.,

Plaintiff,

v.

JOHN ACKERMAN, et al.,

Defendant.

CASE NO. 3:21-cv-05071-RSM-BAT

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

Having reviewed the Report and Recommendation of the Honorable Brian A. Tsuchida, United States Magistrate Judge, and the remaining record, the Court finds and ORDERS:

(1) The Court ADOPTS the Report and Recommendation.

(2) Defendants Chuck Atkins, Ric Bishop, A. Songer, and J. Shoemaker (“the Clark County Defendants”) motion for judgment on the pleadings (Dkt. 19) is GRANTED. Plaintiff has failed to state a claim upon which relief may be granted with respect to his due process claims related to the grievance process and those claims are dismissed with prejudice with respect to all Clark County Defendants. Plaintiff has failed to state a claim upon which relief may be granted with respect to his constitutional claims of inadequate medical care and denial of access to courts and those claims are dismissed without prejudice with respect to all Clark

1 County Defendants. The Court declines to exercise supplemental jurisdiction over Plaintiff's  
2 state law claims and those claims are dismissed without prejudice with respect to all Clark  
3 County Defendants.

4 (3) The action is referred back to the Hon. Brian A. Tsuchida for further proceedings  
5 on the remaining claims against the only Defendants remaining in the action, K. Vandenberg, A.  
6 Rice, M. Paulus, and Kerri Taft.

7 (4) The Clerk is directed to send copies of this Order to the parties and to Judge  
8 Tsuchida.

9 DATED this 19<sup>th</sup> day of November, 2021.

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13 RICARDO S. MARTINEZ  
14 CHIEF UNITED STATES DISTRICT JUDGE  
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